

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES C. KISTNER,

Plaintiff,

vs.

Civil No.: 18-CV-00402-LJV-JJM

THE CITY OF BUFFALO, *et al.*,

Defendants.

NOTICE OF MOTION

NATURE OF ACTION: Violation of Civil Rights.

MOVING PARTY: Plaintiff, James C. Kistner.

DATE AND TIME: To be determined by the Court.

PLACE: Hon. Lawrence J. Vilardo
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

SUPPORTING PAPERS: Memorandum of Law, dated November 30, 2022.

ANSWERING PAPERS: Opposing papers, if any, are required to be filed and served in accordance with the Court's order, or, in the absence of a Court order, within 14 days after service of this motion, in accordance with Local Rule 7(b)(2)(B).

REPLY PAPERS: Plaintiff intends to submit reply papers.

RELIEF REQUESTED: An Order certifying the City Defendants' appeal as frivolous, or, in the alternative, an Order bifurcating Plaintiff's *Monell* claim against the City of Buffalo for purposes of trial, along with the grant of such other and further relief that the Court deems just and proper.

GROUND FOR RELIEF: Federal Rules of Civil Procedure 42(b), 28 U.S.C. § 1291, and case law interpreting the same.

ORAL ARGUMENT: Requested.

Dated: November 30, 2022
Buffalo, New York

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